

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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THE CITY OF NEW YORK,	:
	:
Plaintiff,	:
	:
v.	: Case No. 1-24-cv-05161
	:
ENVIROMD GROUP LLC; GT IMPORTS;	:
KAYLA WHOLESALE, INC. d/b/a	:
The Vapery; KLCC WHOLESALE INC.;	:
MV TRADING LLC a/k/a MYVAPORSTORE;	:
PIONEER DISTRIBUTION, INC. a/k/a/	:
WEVAPEUSA.COM a/k/a/ SELLER SUPREME	:
LLC; RZ SMOKE INC.; STAR ZONE INC.;	:
URBAN SMOKE DISTRIBUTORS;	:
VAPE MORE INC. a/k/a MORE LLC; VAPE	:
PLUS DISTRIBUTION CORP. a/k/a G&A	:
DISTRIBUTION; DAVID ALFIH a/k/a	:
David Alfieh, a/k/a DJ Alfani; and	:
MARCUS BERNARD,	:
	:
Defendants.	:
----- X	

**DEFENDANT STAR ZONE, INC.'S ANSWER  
TO PLAINTIFF'S SECOND AMENDED COMPLAINT**

Defendant Star Zone, Inc. ("Star Zone") submits its Answer to Plaintiffs Second Amended Complaint ("SAC"), as follows:

**PRELIMINARY STATEMENT**

The following matters are incorporated by reference into Star Zone's responses to each paragraph of the SAC: Star Zone submits this Answer only on behalf of itself. Where allegations are made against "Defendants" as a group, however described, Star Zone's responses only apply to itself. The SAC contains purported references to several documents and third-party publications and statements that have often been excerpted, paraphrased, characterized, and/or otherwise taken out of context. These third-party publications and statements should be

considered, if at all, in context and in unmodified form, and Star Zone respectfully refers the Court to the respective third-party publications and statements for their complete contents.

Except as otherwise expressly stated below, Star Zone expressly denies each and every allegation contained in the SAC, including without limitation any allegations contained in the preamble, unnumbered paragraphs, subparagraphs, headings, subheadings, table of contents, footnotes, and exhibits to the SAC. To the extent that the titles, headings, subheadings, paragraphs, and footnotes of the SAC are intended to be allegations directed to Star Zone, they are, unless otherwise expressly admitted, denied.

## **ANSWER**

### **Nature of the Action**

1. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in the first sentence of Paragraph 1 of the SAC, and denies the allegations contained in the second sentence of the SAC.

2. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 2 of the SAC.

3. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 3 of the SAC.

4. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 4 of the SAC.

5. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 5 of the SAC.

6. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 6 of the SAC.

7. Star Zone is without knowledge or information sufficient to form a belief as to

the truth of the allegations contained in Paragraph 7 of the SAC.

8. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 8 of the SAC.

9. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 9 of the SAC.

10. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 10 of the SAC.

11. The allegations set forth in Paragraph 11 of the SAC are legal conclusions to which no response is required. To the extent a response is required, Star Zone denies the allegations contained in Paragraph 11 of the SAC and respectfully refers the Court to the statutes referenced therein for a complete and accurate statement of their contents.

12. Star Zone denies the allegations contained in Paragraph 12 of the SAC.

#### **Jurisdiction and Venue**

13. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 13 of the SAC.

14. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 14 of the SAC.

#### **Parties**

15. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 15 of the SAC.

16. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 16 of the SAC.

17. Star Zone is without knowledge or information sufficient to form a belief as to

the truth of the allegations contained in Paragraph 17 of the SAC.

18. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 18 of the SAC.

19. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 19 of the SAC.

20. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 20 of the SAC.

21. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 21 of the SAC.

22. Star Zone admits the allegations contained in Paragraph 22 of the SAC.

23. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 23 of the SAC.

24. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 24 of the SAC.

25. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 25 of the SAC.

26. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 26 of the SAC.

27. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 27 of the SAC.

### **Background**

#### **The Family Smoking Prevention and Tobacco Control Act**

28. Star Zone is without knowledge or information sufficient to form a belief as to

the truth of the allegations contained in Paragraph 28 of the SAC.

29. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 29 of the SAC.

30. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 30 of the SAC.

31. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 31 of the SAC.

32. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 32 of the SAC.

### **Use of Flavored E-Cigarettes By Young Persons**

33. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 33 of the SAC.

34. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 34 of the SAC.

35. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 35 of the SAC.

36. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 36 of the SAC.

37. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 37 of the SAC.

38. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 38 of the SAC.

39. Star Zone is without knowledge or information sufficient to form a belief as to

the truth of the allegations contained in Paragraph 39 of the SAC.

40. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 40 of the SAC.

41. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 41 of the SAC.

42. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 42 of the SAC.

43. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 43 of the SAC.

44. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 44 of the SAC.

45. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 45 of the SAC.

### **Flavor Bans**

46. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 46 of the SAC.

47. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 47 of the SAC.

48. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 48 of the SAC.

### **Enforcement Efforts**

49. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 49 of the SAC.

50. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 50 of the SAC.

51. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 51 of the SAC.

**Actions of the Defendants**

**EnviroMD Group LLC**

52. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 51 of the SAC.

**N.Y.C. Ad. Code § 17-715**

53. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 53 of the SAC.

54. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 54 of the SAC.

**PACT Act**

55. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 55 of the SAC.

56. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 56 of the SAC.

57. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 57 of the SAC.

**N.Y. Pub. Hlth L. § 1399-11(1-a)**

58. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 57 of the SAC.

59. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 59 of the SAC.

#### **GT Imports**

60. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 60 of the SAC.

#### N.Y.C. Ad. Code § 17-715

61. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 61 of the SAC.

62. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 62 of the SAC.

63. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 63 of the SAC.

#### PACT Act

64. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 64 of the SAC.

65. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 65 of the SAC.

66. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 66 of the SAC.

67. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 67 of the SAC.

68. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 68 of the SAC.

69. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 69 of the SAC.

70. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 70 of the SAC.

**Kayla Wholesale, Inc.**

71. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 71 of the SAC.

72. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 72 of the SAC.

73. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 73 of the SAC.

74. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 74 of the SAC.

75. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 75 of the SAC.

76. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 76 of the SAC.

77. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 77 of the SAC.

78. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 78 of the SAC.

79. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 79 of the SAC.

80. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 80 of the SAC.

81. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 81 of the SAC.

82. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 82 of the SAC.

83. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 83 of the SAC.

84. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 84 of the SAC.

**KLCC Worldwide**

85. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 85 of the SAC.

86. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 86 of the SAC.

87. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 87 of the SAC.

88. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 88 of the SAC.

89. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 89 of the SAC.

**Pioneer, David Alfieh and Marcus Bernard**

90. Star Zone is without knowledge or information sufficient to form a belief as to

the truth of the allegations contained in Paragraph 90 of the SAC.

91. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 91 of the SAC.

**N.Y.C. Ad. Code § 17-715**

92. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 92 of the SAC.

93. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 92 of the SAC.

**PACT Act and N.Y. Pub. Hlth L. § 1399-11(1-a)**

94. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 94 of the SAC.

95. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 95 of the SAC.

96. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 96 of the SAC.

97. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 97 of the SAC.

98. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 98 of the SAC.

99. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 99 of the SAC.

100. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 100 of the SAC.

101. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 101 of the SAC.

102. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 102 of the SAC.

**RZ Smoke**

103. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 103 of the SAC.

104. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 104 of the SAC.

105. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 105 of the SAC.

106. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 106 of the SAC.

107. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 107 of the SAC.

108. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 108 of the SAC.

109. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 109 of the SAC.

110. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 110 of the SAC.

**Starzone**

111. Star Zone admits the allegations contained in Paragraph 111 of the SAC.

112. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 112 of the SAC.

113. Star Zone denies the allegations contained in Paragraph 113 of the SAC.

114. Star Zone denies the allegations contained in Paragraph 114 of the SAC.

115. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 115 of the SAC.

116. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 116 of the SAC.

117. Star Zone denies the allegations contained in Paragraph 117 of the SAC.

118. Star Zone denies the allegations contained in Paragraph 118 of the SAC.

#### **Urban Smoke Distributors**

119. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 119 of the SAC.

120. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 120 of the SAC.

121. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 121 of the SAC.

122. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 122 of the SAC.

123. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 123 of the SAC.

124. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 124 of the SAC.

125. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 125 of the SAC.

126. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 126 of the SAC.

127. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 127 of the SAC.

128. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 128 of the SAC.

### **Vape More**

129. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 129 of the SAC.

130. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 130 of the SAC.

131. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 140 of the SAC.

132. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 132 of the SAC.

133. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 133 of the SAC.

134. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 134 of the SAC.

135. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 135 of the SAC.

**Vape Plus**

136. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 136 of the SAC.

137. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 137 of the SAC.

138. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 138 of the SAC.

139. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 139 of the SAC.

140. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 140 of the SAC.

141. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 141 of the SAC.

142. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 142 of the SAC.

143. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 143 of the SAC.

144. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 144 of the SAC.

**Allegations Related to Causes of Action**

**Allegations Related to the PACT Act**

145. The allegations set forth in Paragraph 145 of the SAC are legal conclusions to which no response is required. To the extent a response is required, Star Zone denies the

allegations contained in Paragraph 145 of the SAC and respectfully refers the Court to the statute referenced therein for a complete and accurate statement of its contents.

146. The allegations set forth in Paragraph 146 of the SAC are legal conclusions to which no response is required. To the extend a response is required, Star Zone denies the allegations contained in Paragraph 146 of the SAC and respectfully refers the Court to the statute referenced therein for a complete and accurate statement of its contents.

147. The allegations set forth in Paragraph 147 of the SAC are legal conclusions to which no response is required. To the extend a response is required, Star Zone denies the allegations contained in Paragraph 147 of the SAC and respectfully refers the Court to the statute referenced therein for a complete and accurate statement of its contents.

148. The allegations set forth in Paragraph 148 of the SAC are legal conclusions to which no response is required. To the extend a response is required, Star Zone denies the allegations contained in Paragraph 148 of the SAC and respectfully refers the Court to the statute referenced therein for a complete and accurate statement of its contents.

149. The allegations set forth in Paragraph 149 of the SAC are legal conclusions to which no response is required. To the extend a response is required, Star Zone denies the allegations contained in Paragraph 149 of the SAC and respectfully refers the Court to the statute referenced therein for a complete and accurate statement of its contents.

150. The allegations set forth in Paragraph 150 of the SAC are legal conclusions to which no response is required. To the extend a response is required, Star Zone denies the allegations contained in Paragraph 150 of the SAC and respectfully refers the Court to the statute referenced therein for a complete and accurate statement of its contents.

151. The allegations set forth in Paragraph 151 of the SAC are legal conclusions to

which no response is required. To the extend a response is required, Star Zone denies the allegations contained in Paragraph 151 of the SAC and respectfully refers the Court to the statute referenced therein for a complete and accurate statement of its contents.

152. The allegations set forth in Paragraph 152 of the SAC are legal conclusions to which no response is required. To the extend a response is required, Star Zone denies the allegations contained in Paragraph 152 of the SAC and respectfully refers the Court to the statute referenced therein for a complete and accurate statement of its contents.

153. The allegations set forth in Paragraph 153 of the SAC are legal conclusions to which no response is required. To the extend a response is required, Star Zone denies the allegations contained in Paragraph 153 of the SAC and respectfully refers the Court to the statute referenced therein for a complete and accurate statement of its contents.

154. Star Zone denies the allegations contained in Paragraph 154 of the SAC.

155. The allegations set forth in Paragraph 155 of the SAC are legal conclusions to which no response is required. To the extend a response is required, Star Zone denies the allegations contained in Paragraph 155 of the SAC and respectfully refers the Court to the statute referenced therein for a complete and accurate statement of its contents.

156. Star Zone denies the allegations contained in Paragraph 156 of the SAC.

157. Star Zone denies the allegations contained in Paragraph 157 of the SAC.

158. Star Zone denies the allegations contained in Paragraph 158 of the SAC.

159. Star Zone denies the allegations contained in Paragraph 159 of the SAC.

160. Star Zone denies the allegations contained in Paragraph 160 of the SAC.

**Allegations Related to N.Y. Pub. Hlth. L. § 1399-II(1-a)**

161. The allegations set forth in Paragraph 161 of the SAC are legal conclusions to

which no response is required. To the extend a response is required, Star Zone denies the allegations contained in Paragraph 161 of the SAC and respectfully refers the Court to the statute referenced therein for a complete and accurate statement of its contents.

162. The allegations set forth in Paragraph 162 of the SAC are legal conclusions to which no response is required. To the extend a response is required, Star Zone denies the allegations contained in Paragraph 162 of the SAC and respectfully refers the Court to the statute referenced therein for a complete and accurate statement of its contents.

163. The allegations set forth in Paragraph 163 of the SAC are legal conclusions to which no response is required. To the extend a response is required, Star Zone denies the allegations contained in Paragraph 163 of the SAC and respectfully refers the Court to the statute referenced therein for a complete and accurate statement of its contents.

164. The allegations set forth in Paragraph 164 of the SAC are legal conclusions to which no response is required. To the extend a response is required, Star Zone denies the allegations contained in Paragraph 164 of the SAC and respectfully refers the Court to the statute referenced therein for a complete and accurate statement of its contents.

165. Star Zone denies the allegations contained in Paragraph 165 of the SAC.

166. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 166 of the SAC.

167. Star Zone denies the allegations contained in Paragraph 167 of the SAC.

**Allegations Related to N.Y.C. New York City Administrative Code § 17-715(b)(1)**

168. The allegations set forth in Paragraph 168 of the SAC are legal conclusions to which no response is required. To the extend a response is required, Star Zone denies the allegations contained in Paragraph 168 of the SAC and respectfully refers the Court to the

statute referenced therein for a complete and accurate statement of its contents.

169. Star Zone denies the allegations contained in Paragraph 169 of the SAC.

#### **Allegations Related to Public Nuisance**

170. Star Zone denies the allegations contained in Paragraph 170 of the SAC.

171. The allegations set forth in Paragraph 171 of the SAC are legal conclusions to which no response is required. To the extent a response is required, Star Zone denies the allegations contained in Paragraph 171 of the SAC and respectfully refers the Court to the statute referenced therein for a complete and accurate statement of its contents.

172. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 172 of the SAC.

173. Star Zone denies the allegations contained in Paragraph 173 of the SAC.

174. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 174 of the SAC.

175. Star Zone denies the allegations contained in Paragraph 175 of the SAC.

176. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 176 of the SAC.

177. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 177 of the SAC.

178. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 178 of the SAC.

179. Star Zone is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 179 of the SAC.

180. Star Zone denies the allegations contained in Paragraph 180 of the SAC.

181. Star Zone denies the allegations contained in Paragraph 181 of the SAC.

**FIRST CLAIM FOR RELIEF**

**(Violation of the Prevent All Cigarettes Trafficking Act)**

182. Star Zone repeats and realleges its answers to Paragraphs 1 through 181 of the SAC as if fully set forth herein.

183. Star Zone denies the allegations contained in Paragraph 183 of the SAC.

184. Star Zone denies the allegations contained in Paragraph 184 of the SAC.

185. Star Zone denies the allegations contained in Paragraph 185 of the SAC.

186. Star Zone denies the allegations contained in Paragraph 186 of the SAC.

187. Star Zone denies the allegations contained in Paragraph 187 of the SAC.

188. Star Zone denies the allegations contained in Paragraph 188 of the SAC.

**SECOND CLAIM FOR RELIEF**

**(Violation of N.Y. NY Pub. Hlth. L. § 1399-II(1-a))**

189. Star Zone repeats and realleges its answers to Paragraphs 1 through 181 of the SAC as if fully set forth herein.

190. Star Zone denies the allegations contained in Paragraph 190 of the SAC.

191. Star Zone denies the allegations contained in Paragraph 191 of the SAC.

192. The allegations set forth in Paragraph 192 of the SAC are legal conclusions to which no response is required. To the extend a response is required, Star Zone denies the allegations contained in Paragraph 192 of the SAC and respectfully refers the Court to the statute referenced therein for a complete and accurate statement of its contents.

193. Star Zone denies the allegations contained in Paragraph 193 of the SAC.

**THIRD CLAIM FOR RELIEF**

**(Violation of N.Y.C. Administrative Code § 17-715(b)(1))**

194. Star Zone repeats and realleges its answers to Paragraphs 1 through 181 of the SAC as if fully set forth herein.

195. Star Zone denies the allegations contained in Paragraph 195 of the SAC.

196. The allegation set forth in Paragraph 196 of the SAC is a legal conclusions to which no response is required. To the extend a response is required, Star Zone denies the allegations contained in Paragraph 196 of the SAC and respectfully refers the Court to the statute referenced therein for a complete and accurate statement of its contents.

**FOURTH CLAIM FOR RELIEF**

**(Public Nuisance)**

197. Star Zone repeats and realleges its answers to Paragraphs 1 through 181 of the SAC as if fully set forth herein.

198. Star Zone denies the allegations contained in Paragraph 198 of the SAC.

199. Star Zone denies the allegations contained in Paragraph 199 of the SAC.

**AS TO THE PRAYER FOR RELIEF**

Star Zone denies that Plaintiff is entitled to the relief requested in Paragraphs a. through e. of the “Wherefore” section of the SAC, and further denies that Plaintiff is entitled to any relief whatsoever.

**DEFENSES**

Star Zone asserts the following separate and independent affirmative and other defenses to the SAC, without assuming the burden of proof where such burden is otherwise on Plaintiff.

**FIRST DEFENSE**

Plaintiff lacks standing to enforce any provision of the PACT Act,

**SECOND DEFENSE**

Plaintiff fails, in whole or in part, to state claims upon which relief can be granted.

**THIRD DEFENSE**

Plaintiff's claims fail, in whole or in part, to the extent barred by the applicable statutes of limitations.

**FOURTH DEFENSE**

Plaintiff's claims are barred, in whole or in part, to the extent that its requested relief is not available under the statutes pursuant to which it seeks relief.

**FIFTH DEFENSE**

Plaintiff's public nuisance claim is barred because it is duplicative of its claims for violations of state and local law.

**SIXTH DEFENSE**

Plaintiff is not entitled to civil penalties.

**SEVENTH DEFENSE**

Star Zone has complied with all applicable laws, regulations and standards applicable to the facts of this action.

Star Zone reserves the right to amend its Answer and assert additional defenses as determined through discovery.

WHEREFORE, Star Zone requests an order denying all of the claims against it, that judgment be rendered dismissing Plaintiff's SAC in its entirety, together with costs and disbursements, and such other and further relief as the Court deems just, equitable and proper.

Dated: September 23, 2024  
Garden City, New York

**MORITT HOCK & HAMROFF LLP**

By: /s/ Alexander D. Widell

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